

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION**

COMMERCIAL MISCELLANEOUS PETITION NO. 23 OF 2026

Black Diamond Motors Pvt Ltd

...Petitioner

Versus

Registrar Of Trade Marks, Mumbai & Ors.

...Respondents

WITH

INTERIM APPLICATION NO. 2089 OF 2026

Mr. Hiren Kamod a/w Mr. Thomas George, Ms. Neeti Nihal i/b Saikrishna & Associates for the Applicant/Petitioner.

Mr. Atul Singh a/w Ms. Mitika Agarwal, Ms. Arzoo Gupta i/b Nidhi Bangera for the Respondent No.2.

CORAM	:	ARIF S. DOCTOR, J.
DATE	:	28th APRIL, 2026

P.C.

1. The matter was kept back to hear submissions of Mr. Kamod. The principle grievance in this Petition is to the fact that the Respondent No. 1 (Registrar of Trademarks) had after the mandatory period of two months as prescribed in Rule 45 of the Trademarks Rules, 2017 condoned the delay of over 1200 days and permitted the Respondent No. 2 to file evidence in support of rectification.

2. Mr. Kamod points out that there is no power under the provisions of Trademarks Act, along with rules to enable the Respondent No. 1 to do so. He submits that therefore the delay of condonation was bad in law and could never

have been allowed. In my view, it would be necessary on this aspect to hear the stand of Respondent No. 1 –The Registrar of Trademarks.

3. I am informed that despite the fact that the notice has been issued, none has appeared, the The Registrar of Trademarks is directed therefore on the next occasion to remain present in Court through counsel.

4. A copy of this order shall be served on the Registrar of Trademarks by the Advocate for the Petitioner.

5. Stand over to **9th June, 2026**.

6. Let the Registrar of Trademarks not proceed to finally hear the matter until the next date.

[ARIF S. DOCTOR, J.]